



DOCKET NO.: CHIR-0108
938.007

PATENT

#24
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Amy J. Weiner et al.

Serial No.: 08/823,980

Group Art Unit: 1644

Filed: **March 25, 1997**

Examiner: **R. Schwadron**

For: **CONSERVED MOTIF OF HEPATITIS C VIRUS E2/NS1 REGION**

I, Mark J. Rosen, Registration No. 39,822 certify that this correspondence is being deposited with the U.S. Postal Service as First Class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

On June 21, 2000



Mark J. Rosen
Registration No: 39,822

BOX SEQUENCE

Assistant Commissioner
for Patents
Washington, D.C. 20231

Dear Sir:

DECLARATION UNDER 37 CFR § 1.132

I, Amy J. Weiner, declare as follows:

1. I am presently a Senior Scientist in the area of Non-A, Non-B Hepatitis research at Chiron Corporation in Emeryville, California. A copy of my curriculum vitae, describing my background and qualifications, is attached to this Declaration as Exhibit A.

2. During the last seventeen (17) years I have conducted research in viral hepatitis at Chiron Corporation. During this time I have been directly involved in the research supporting

HCV diagnostics and vaccine development and I am a co-inventor of the above-referenced patent application.

3. In addition to working directly in research supporting HCV diagnostics and vaccine development, I have also been directly involved with the preparation and use of HCV immunogenic polypeptides, including the HCV immunogenic polypeptides of the above-referenced patent application having a conserved amino acid motif in the E2/NS1 hypervariable region of the HCV genome. I also was involved in the preparation of the above-referenced patent application and I have direct knowledge of its contents.

4. The subject application encompasses the outcome of research and development efforts that were directed, in part, to the development of HCV immunogenic polypeptides for use in the prevention, treatment, and detection of HCV infection in humans.

5. I have read the Examiner's office action mailed April 7, 1999, and in particular paragraphs 2 and 4 thereof.

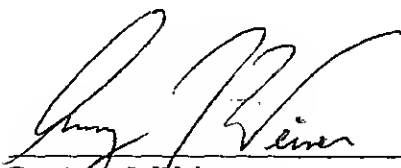
6. The meaning of the symbol "." as used in the first line of Figure 2-1, in the consensus shown therein, is "any amino acid." Where a specific one letter abbreviation for an amino acid appears in the consensus sequence, that particular amino acid was considered so highly prevalent in the example isolates' sequences so as to be considered a "conserved" amino acid contributing to the consensus sequence. Where the variability of a particular position's amino acid was too great to be considered a conserved amino acid, that position was marked with a "." to indicate that any amino acid could occupy that position.

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7. I declare that all statements made herein of my own knowledge are true and that all statements made herein on information and belief are believed to be true; and that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: June 20, 2000


Dr. Amy J. Weiner